



Musical Chairs

Posted by **Pierluigi Oliverio** on Monday, August 10, 2009

The City of San Jose closed a \$84 million dollar budget shortfall for the 2009-2010 fiscal year, which resulted in 13 city employees being laid off. However, these 13 former employees are first in line for job openings at the City should they become available. Also as a result of the balanced budget, 250 city employees moved into different departments and/or positions based on their seniority. For those 250 people involved in the "bumping," it is a intricate process that is all about years or months of service that I will attempt to explain. Bumping is governed by the Civil Service Rules.

Example 1:

Steve has been a Maintenance Assistant for three years and Greg has been a Maintenance Assistant for 2.8 years—both work in the Parks Department. Steve's position was eliminated in the budget; however, vacancies for a Maintenance Assistant exist in the Public Works Department. Steve will bump into Greg's position and Greg would leave the Parks Department and be reassigned into a vacancy in the Public Works Department.

Example 2:

Pat has been an Analyst for one year and a Staff Technician for five years in the Department of Transportation. John has been a Staff Technician for five years in the IT department. Pat's position is eliminated; there are no vacancies; and he is the least senior on the Analyst list, so he is bumped from Analyst. His prior job as a Staff Technician and six years of seniority overall will allow him to bump John, who only has five years of overall seniority. Now John must find someone else to bump.

Example 3:

Kathleen has been a Senior Analyst for three years and Dale has been an Analyst for two years. Kathleen's position is eliminated; there are no vacancies; and she is the least senior on the Senior Analyst seniority list. Therefore, her three years of city-wide work will allow her to bump Dale. Now Dale must find someone to bump.

Just like the game of “musical chairs” there will be some who find a seat/job and others who do not.

This game of Musical Chairs occurs in all civil service organizations, since they are based on seniority rather than merit. The historical reasoning for this is so that civil servants do not become political pawns of elected officials. However, the caveat is that many good people can be let go just because they have not spent as much time in a job as others.

From my experience as a Councilmember, I can say that the overwhelming majority of people that work for the city do a great job and are dedicated to their work. With that said, there is that 5 percent of the city workforce that are non-performers.

I have worked with non performers in the private sector and eventually they get let go—especially as the business cycles ebb and flow. However, by civil servant rules it is difficult to get rid of non-performing employees to make room for those that may be harder working but have less seniority.

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